

## REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification are believed to be in compliance with CFR 1.121. In order to clearly set forth the amended portions of the specification, applicants have enclosed a copy with corrective markings. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 06/06/2001. Specifically:

In response to the objections set forth in paragraph A of the Action, the Specification has been amended to recite the age of the observed plants.

In response to the objections set forth in paragraph B of the Action, the Specification has been amended to clarify recitation of pollen parent coloration.

In response to the objections set forth in paragraph C of the Action, the Specification has been amended to clarify recitation of thorn characteristics.

In response to the objections set forth in paragraph D of the Action, the Specification has been amended to recite the sepal length and width.

In response to the objections set forth in paragraph E of the Action, the Specification has been amended to clarify recitation petal spot coloration.

In response to the objections set forth in paragraph F of the Action, the Specification has been amended to correct the recitation of the petal margin characteristics.

In response to the objections set forth in paragraph G of the Action, the Specification has been amended to recite the size and quantity of the reproductive organs.

In response to the objections set forth in paragraph H of the Action, the Specification has been amended to recite information relative to thorn presence on underside of rachis and petiole.

In response to the objections set forth in paragraph I of the Action, the Specification has been amended to recite stem length and internode length.

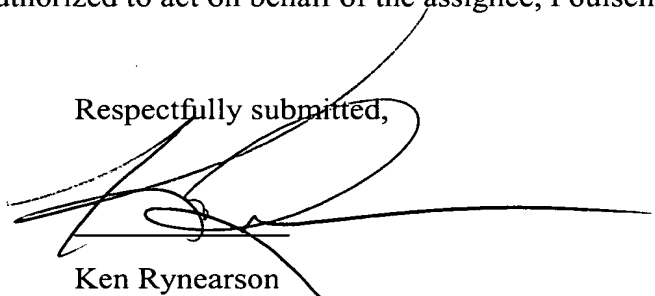
In response to the objections set forth in paragraph J of the Action, the Specification has been amended to disclose instant cultivar's winter hardiness and heat resistance.

The examiner has set fourth objections under 35 U.S.C.102, which relate to the Canadian Plant Breeder's Rights application no. 98-1516, published on February 4, 1999. Applicants argue that the printed publication was not an enabling disclosure because plant material was made available to the public for the first time on 1 October, 1999.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

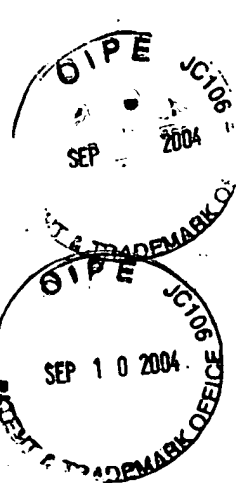
Applicants have enclosed a statement under 37 CFR 3.73(b), which establishes evidence that the undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'Ken Rynearson', is written over a horizontal line. The signature is stylized with a large, sweeping loop at the end.

Ken Rynearson

Poulsen Roser Pacific, Inc.



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09 / 607,327

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

COMPACT FLORIBUNDA ROSE ~~VARIETY~~ PLANT NAMED

'POULymp'

COMPACT FLORIBUNDA

ROSE ~~VARIETY~~

'POULymp'

PLANT NAMED

ABSTRACT OF THE DISCLOSURE

A new rose plant which has abundant, bronze flowers and attractive foliage. The variety successfully propagates from softwood cuttings and is suitable for year round production in commercial glasshouses. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

BOTANICAL CLASSIFICATION

ROSA HYBRID

VARIETY DENOMINATION

'POULymp'

SUMMARY OF THE INVENTION

The present invention constitutes a new and distinct variety of Compact Floribunda rose plant which originated from a controlled crossing between an Unnamed Seedling and an Unnamed Seedling. The two parents were crossed and the resulting seeds were planted in a controlled environment. The new variety is named 'POULymp'.

The new rose may be distinguished from its seed parent, an Unnamed Seedling, by the following combination of characteristics:

1. The Unnamed seed parent's flowers are yellow, where those of 'POULymp' are more golden bronze in color.
2. The growth of the Unnamed seed parent is more vigorous than that of 'POULymp'.

The new variety may be distinguished from its pollen parent, an Unnamed Seedling, created by the same inventors, by the following combination of characteristics:

1. The Unnamed pollen parent's flowers are a ~~clear~~ yellow, where those of 'POULymp' are a golden bronze color.
2. The growth of the pollen parent is more vigorous than that of 'POULymp'.

The objective of the hybridization of this rose variety for commercial greenhouse culture was to create a

new and distinct variety with unique qualities, such as:

1. Uniform and abundant flowers;
2. Vigorous and compact growth;
3. Year-round flowering under glasshouse  
5 conditions;
4. Suitability for production from softwood  
cuttings in pots;
5. Durable flowers and foliage that make a  
variety suitable for distribution in the  
10 floral industry.

The combination of qualities of this variety  
represents significant improvement over previously  
available commercial cultivars of this type and  
distinguishes 'POULymp' from all other varieties of which  
15 we are aware.

As part of their rose development program, L. Pernille  
Olesen and Mogens N. Olesen germinated the seeds from the  
aforementioned hybridization and conducted evaluations on  
the resulting seedlings in a controlled environment in  
20 Fredensborg, Denmark. 'POULymp' was selected by the  
inventors as a single plant from the progeny of the  
hybridization in Fredensborg, Denmark in the Spring of  
1996.

Asexual reproduction of 'POULymp' by cuttings and  
25 traditional budding was first done by L. Pernille and  
Mogens N. Olesen in their nursery in Fredensborg, Denmark,

in July, 1996. This initial and other subsequent propagations conducted in controlled environments have demonstrated that the characteristics of 'POULymp' are true to type and are transmitted from one generation to the  
5 next.

#### BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustrations show as true as is reasonably possible to obtain in color photographs of this type, the typical characteristics of the buds,  
10 flowers, leaves, stems, and a plant of 'POULymp'.

Specifically illustrated in SHEET 1:

1. Stem showing branching and the attachment of leaves, buds and peduncles.
2. Flower bud, partially opened bud, and open  
15 bloom;
3. Flower petals, detached;

Specifically illustrated in SHEET 2:

4. Sepals, receptacle, and pedicel;
5. Foliated stem as well as a bare stems  
20 exhibiting thorns;
6. Leaves.

#### DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULymp', as observed in its growth in glasshouses in Half Moon Bay,  
25 California: Color references are made using the Royal

^  
OBSERVED PLANTS ARE 4  
3 MONTHS IN AGE,

Horticultural Society (London, England) Colour Chart, 1995, except where common terms of color are used.

For a comparison, several physical characteristics of the rose variety 'POULsail', a Compact Floribunda rose variety from the same inventors described and illustrated in U.S. Plant Patent Application No. 09/140630 dated 26 August 1998, are compared to 'POULymp' in Chart 1.

CHART 1

		'POULymp'	'POULsail'
10	Bud color, 1/4 open.	Orange-Red Group 35A with overlay of Greyed-Red Group 179 B/C.	Red Group 39A-43C.
15	Open flower bloom color, upper petal surface.	Yellow-Orange Group 21C.	Red Group 41C
20	Open flower bloom petal color, reverse side.	Orange-Red Group 35C.	Red Group 41C.

Parents: Unnamed Seedling X Unnamed Seedling.

Classification:

Botanical: Rosa hybrida

25 Commercial: Compact Floribunda

FLOWER AND FLOWER BUD

Blooming habit: Recurrent.

Flower bud:



Size: Upon opening, 32 mm to 36 mm in length  
 from base of receptacle to end of bud.

5 Bud form: The bud form is initially high  
 centered, and pointed. Once sepals  
 drop/open half way, then bud is  
 cylindrical in shape.

10 Bud color: As sepals unfold, blend of Greyed-Red  
 Group 179B-C and Orange-Red Group 35A.  
 Blend of Greyed-Red Group 179C and  
 Orange-Red Group 35A at  $\frac{1}{4}$  opening.

15 Sepals: Green Group 137A. Weak foliaceous  
 appendages on three of the five  
 sepals. Surfaces of sepals slightly  
 pubescent. A few stipitate glands  
 present. Distal ends of sepals have  
 foliaceous appendages. SEPALS ARE  
25 to 35 mm in length AND 10 to 13 mm wide.

Receptacle:

Surface: Smooth.

Shape: Broadly funnel shaped.

20 Size: 7 mm (h) x 8 mm to 9 mm (w).

Color: Green Group 138 A.

Peduncle:

Surface: Smooth.

Length: 50 mm to 70 mm average length.

25 Color: Green Group 138 A.

Strength: Upright.

Borne: Typically with a single bud per  
flowering stem.

**Flower bloom:**

Fragrance: Light scent.

5 Duration: As a pot plant, flowers last from 11  
to 14 days. As a cut flower, flowers  
last 3 to 4 days.

Size: Large for a 15 cm pot rose. Average  
flower diameter is 60 mm to 70 mm  
10 when open.

Form:

Shape of flower when viewed from the side:

Upon opening, upper part: Convex.  
Upon opening, lower part: Convex.  
15 Open flower, upper part: Convex.  
Open flower, lower part: Flat.

Petalage: Double. 25 to 30 petals under normal  
conditions with 2-3 petaloids.

**Color:**

20 Upon opening, petals:

Outermost petals:

Upper Surface: Blend of Yellow-Orange Group  
20B and Orange Group 24C.

Reverse Side: Orange-Red Group 32 B/C.

25 Innermost petals:

Upper Surface: Yellow-Orange Group 19 A/B.

Reverse Side: Orange-Red Group 32 B/C.

UPON OPENING

Basal petal spots; Outermost petals:

Outer Side: Yellow-Green Group 1C.

Inner Side: Yellow-Green Group 1C to  
Yellow-Green Group 2A.

5

Basal petal spots; Innermost petals:

Outer Side: Yellow-Green Group 1C.

Inner Side: Yellow-Green Group 2A.

After opening, petals:

10

Outermost petals:

Upper Surface: Yellow-Orange Group 21C.

Reverse Side: Orange-Red Group 35C with  
inotations of Yellow-Orange  
21C. Petal edges are Yellow-  
Orange 21C.

15

Innermost petals:

Upper Surface: ~~Yellow group 13C.~~ BLEND OF  
YELLOW ORANGE 20 B AND ORANGE  
Reverse Side: Orange-Red Group 34D. GROUP 24 D.

AFTER OPENING

Basal petal spots; Outermost petals:

20

Outer Side: Yellow Group 7B.

Inner Side: ~~Yellow Group 7B/2A.~~  
BLEND YELLOW GROUP 7 B TO 2 A

Basal petal spots; Innermost petals:

Outer Side: Yellow Group 13B.

Inner Side: Yellow Group 7B.

25

General Tonality:

On open flower blend of  
Yellow-Orange Group 20B,

5

Orange Group 24C, and  
Yellow-Orange Group 21C. No  
change in the general  
tonality at the end of 4 - 5  
days. Afterwards, general  
tonality is Orange Group 24B  
and Yellow-Orange 16B.

**Petals:**

Petal Reflex: Reflexed.  
10 Petal Edge: MARGIN ~~Slightly ruffled.~~ SLIGHTLY UNDULATE  
Shape: Deltoid. AND ENTIRE.  
Petaloids: 2-3 petaloids.  
Thickness: Average.  
Arrangement: Informal.

15 **Reproductive Organs:**

Pollen:

Color: Greyed-Orange Group 163A.  
Quantity: Abundant.

Anthers:

20 Size: ~~Medium.~~ 2-3 mm  
Color: Greyed-Yellow Group 162B to  
Yellow 13B.

QUANTITY  
Filaments:

25 Color: Yellow-Green Group 1C.  
LENGTH: 5 mm  
Stigmas: ~~At same position as anthers.~~

POSITION:

LEVEL WITH THE HEIGHT OF THE  
9 ANTHERS

QUANTITY:

25 to 30.

Color:

Yellow-Green Group 145C, WITH  
INTONATIONS OF GREYED RED 181A.

Styles:

Color:

Yellow-Green Group 145C.

Other intonations: Slight intonations in upper  
third of Greyed-Red Group

5

LENGTH

181A.  
5 mm.

PLANT

Plant growth:

Vigorous, compact, upright.  
When grown as a 15 cm pot  
plant, the average height of  
the plant itself is 24 cm  
to 26 cm and the average  
width is 26 cm to 28 cm.

10

Stems:

15

Color:

Young wood:

Green Group 137A-B.

Older wood:

Green Group 137A-B.

THORNS

~~Prickles:~~

Incidence:

Few ~~prickles~~ THORNS.

20

Size:

Average length: 5 mm to  
6 mm.

Color:

Yellow-Green Group 149D.  
With anthocyanin intonations  
of Greyed-Red Group 179C.

25

Shape:

Linear.

Length: Under typical greenhouse production conditions,  
stem length is 30 to 35 cm. Internode length  
varies from 10 to 12 cm.

Surface:

Young wood: Smooth.

Older wood: Smooth.

Plant foliage: Number of leaflets on  
5 typical leaves in middle of  
the stem: 5 leaflets, with a  
range of 3 to 7 leaflets.

Leaf size: 110 mm to 120 mm (l) x 85 mm  
to 100 mm (w).

10 Quantity: Above average ~~abundance.~~

Color:

Upper Leaf Surface: Green Group 137A-139A.

Lower Leaf Surface: Yellow-Green Group 147B-C.

Juvenile foliage:

15 Upper Leaf Surface: Green Group 143A-B.

Lower Leaf Surface: Yellow-Green Group 146B.

Anthocyanin intonation:

Location: Underside leaflets, leaflet  
margins, rachis & petiole.

20 Color: Greyed-Red Group 179B.

Plant leaves and leaflets:

Stipules:

Size: 8 mm to 10 mm.

Color: Green Group 137A.

25 Stipitate glands: Stipitate glands present on

margins. Fine hairs present  
in center of stipule.  
Underside is smooth.

Petiole:

5	Length:	24 mm to 26 mm.
	Color:	Green Group 137A. On plants grown under high light conditions, intonations of Greyed-Red Group 179B.
10	Underneath:	Smooth.
	Margins:	A few stipitate glands present on margins.

Rachis:

15	Color:	Green Group 137A. On plants grown under high light conditions, intonations of Greyed-Red Group 179B.
	Underneath:	Generally smooth, <del>some</del> <u>OCCASIONAL</u> prickles and stipitate glands <del>present.</del>
20	Margins:	Stipitate glands present on margins.

Leaflet:

	Edge:	Serrated.
25	Shape:	Broadly ovate.

Other:

Glossy and moderately thick.

On plants grown under high

light conditions,

intimations of Greyed-Red

Group 179B.

5

**Disease resistance:**

Above average resistance to mildew, black spot, and

Botrytis under normal growing conditions in Half Moon Bay,

California.

**Cold hardiness:**

'POULymp' has been found to be resistant to damage from cold, .  
heat and drought damage in USDA Zone 7.